UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/835
S/1995/1046
20 December 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 28
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 20 December 1995 from the representatives of Bosnia and Herzegovina and Croatia to the United Nations addressed to the Secretary-General

We should be grateful if you would have the attached text of the Agreement on the Establishment of the Joint Cooperation Council among the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina, signed in Paris, France on 14 December 1995 by President Franjo Tudjman, President of the Presidency Alija Izetbegovic, and President Kresimir Zubak respectively, circulated as a document of the General Assembly, under agenda item 28, and of the Security Council (see annex).

(Signed) Ivan Z. MISIC
Chargé d'affaires of the
Permanent Mission of the
Republic of Bosnia and Herzegovina
to the United Nations

(Signed) Mario NOBILO
Permanent Representative of the
Permanent Mission of the
Republic of Croatia
to the United Nations

ANNEX

Agreement on the Establishment of the Joint Cooperation Council

Determined to contribute to the establishment and maintenance of just and lasting peace in the region,

Aware that mutual cooperation is in their interest and of a broader importance,

Prepared to take every necessary step, in their countries and internationally, focused on association with European integrations,

Interested in cooperating with the international community in the reconstruction and development of their countries,

The Republic of Croatia and the Republic of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina have agreed as follows:

Article I

The Joint Cooperation Council of the Republic of Croatia and the Republic and Federation of Bosnia and Herzegovina (hereinafter referred to as the Joint Council) will be established.

Article II

The Joint Council will deal with the promotion, strategic planning and coordination of cooperation as follows:

1. In relations between the Republic of Croatia and the Federation of Bosnia and Herzegovina, particularly in the following fields:

- Education,
- Science and technology,
- Information,
- Tourism, sports and protection of the environment,
- Welfare,
- Economic relations, and
- Promotion of cooperation between non-governmental organizations.

2. In relations between the Republic of Croatia and the Republic of Bosnia and Herzegovina, particularly in the following fields:

- Coordination of foreign policy and of appearance with respect to third countries and international organizations,

- Coordination of activities related to association with the European Union, the Council of Europe, Partnership for Peace with the North Atlantic Treaty Organization (NATO), and association with other regional, European and broader associations,

- Coordination of development and of cooperation with the international community in reconstruction and development,

- Military cooperation,

- Dealing with issues related to the succession of the former Socialist Federal Republic of Yugoslavia, and

- Other matters of common interest to the two States.

Article III

The Joint Council will consist of ten members, five from the Republic of Croatia and five from the Republic and Federation of Bosnia and Herzegovina.

The President of the Joint Council will be the President of the Republic of Croatia Dr. Franjo Tudjman, and the Vice-President will be the President of the Presidency of the Republic of Bosnia and Herzegovina Alija Izetbegovic.

The parties hereto will appoint the members of the Joint Council within 15 days of the signing of the Agreement.

Article IV

This Agreement has been concluded in six identical copies with the official English translation.

Article V

The Agreement will enter into force on the day of its signing.

Done in Paris, on this 14th day of December 1995.

President
of the Republic of Croatia

Dr. Franjo TUDJMAN

President of the Presidency
of the Republic of Bosnia and Herzegovina

Alija IZETBEGOVIĆ

President of the Federation
of Bosnia and Herzegovina

Krešimir ZUBAK

UNITED NATIONS

S

Security Council

Distr.
GENERAL

S/1995/1047
19 December 1995
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Argentina, France, Germany, Italy, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its earlier relevant resolutions on the situation in Bosnia and Herzegovina, including its resolution 1019 (1995) of 9 November 1995 and condemning the Bosnian Serb party's failure, despite repeated calls that it should do so, to comply with the demands contained therein,

Having considered the report of the Secretary-General pursuant to resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most of 27 November 1995 (S/1995/988),

Gravely concerned at the information contained in the above-mentioned report that there is overwhelming evidence of a consistent pattern of summary executions, rape, mass expulsion, arbitrary detentions, forced labour and large-scale disappearances,

Reiterating its strong support for the work of the International Tribunal established pursuant to its resolution 827 (1993) of 25 May 1993,

Noting that the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex) initialled at Dayton, Ohio, on 21 November 1995 provides that no person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina,

Condemning the failure of the Bosnian Serb party to comply with their commitments in respect of giving access to displaced persons and to persons detained or reported missing,

Reiterating its concern expressed in the statement of its President of 7 December 1995 (S/PRST/1995/60),

Deeply concerned by the plight of hundreds of thousands of refugees and displaced persons as a result of hostilities in the former Yugoslavia,

1. Strongly condemns all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia and demands that all concerned comply fully with their obligations in this regard and reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

2. Condemns in particular in the strongest possible terms the violations of international humanitarian law and of human rights by Bosnian Serb and paramilitary forces in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as described in the report of the Secretary-General of 27 November 1995 and showing a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances;

3. Notes with the utmost concern the substantial evidence referred to in the report of the Secretary-General of 27 November 1995 that an unknown but large number of men in the area of Srebrenica, namely in Nova Kasaba-Konjevic Polje (Kaldrumica), Kravica, Rasica Gai, Zabrde and two sites in Karakaj, and possibly also in Bratunac and Potocari, have been summarily executed by Bosnian Serb and paramilitary forces and condemns in the strongest terms the commission of such acts;

4. Reiterates its strong support for the efforts of the International Committee of the Red Cross (ICRC) in seeking access to displaced persons and to persons detained or reported missing and calls on all parties to comply with their commitments in respect of such access;

5. Reaffirms its demand that the Bosnian Serb party give immediate and unimpeded access to representatives of the United Nations High Commissioner for Refugees, the ICRC and other international agencies to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the ICRC (i) to visit and register any persons detained against their will, whether civilians or members of the forces of Bosnia and Herzegovina, and (ii) to have access to any site it may deem important;

6. Affirms that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 must be fully and properly investigated by the relevant United Nations and other international organizations and institutions;

7. Takes note that the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 issued on 16 November 1995 indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their direct and individual responsibilities for the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995;

8. Reaffirms its demand that the Bosnian Serb party give immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities, to representatives of the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights;

9. Underlines in particular the urgent necessity for all the parties to enable the Prosecutor of the International Tribunal to gather effectively and swiftly the evidence necessary for the Tribunal to perform its task;

10. Stresses the obligations of all the parties to cooperate with and provide unrestricted access to the relevant United Nations and other international organizations and institutions so as to facilitate their investigations and takes note of their commitment under the Peace Agreement in this regard;

11. Reiterates its demand that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

12. Reiterates further its demand that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal and calls on them to create the conditions essential for the Tribunal to perform the task for which it has been created, including the establishment of offices of the Tribunal when the latter deems it necessary;

13. Reiterates its demand that all detention camps throughout the territory of Bosnia and Herzegovina should be immediately closed;

14. Urges the parties to ensure full respect for the norms of international humanitarian law and of human rights of the civilian population, living in the areas in Bosnia and Herzegovina now under their control, which under the Peace Agreement will be transferred to another party;

15. Condemns the widespread looting and destruction of houses and other property, in particular by HVO forces in the area of Mrkonjic Grad and Sipovo, and demands that all sides immediately stop such action, investigate them and make sure that those who violated the law be held individually responsible in respect of such acts;

16. Demands that all sides refrain from laying mines, in particular in those areas now under their control, which under the Peace Agreement will be transferred to another party;

17. Urges Member States to continue to assist the efforts of the United Nations, humanitarian agencies and non-governmental organizations under way in the former Yugoslavia to alleviate the plight of hundreds of thousands of refugees and displaced persons;

18. Also urges all the parties to the conflicts in the territory of the former Yugoslavia to fully cooperate with these efforts with the view to create conditions conducive to the repatriation and return of refugees and displaced persons in safety and dignity;

19. Requests the Secretary-General to keep the Council regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above;

20. Decides to remain actively seized of the matter.

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/833
S/1995/1048
19 December 1995
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fiftieth session
Agenda items 28 and 92
THE SITUATION IN BOSNIA AND HERZEGOVINA
THE SITUATION IN THE OCCUPIED TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 18 December 1995 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the text of the declaration concerning the former Yugoslavia adopted by the European Council on 16 December 1995.

I should be grateful if you would arrange for the text of the declaration to be circulated as a document of the General Assembly, under agenda items 28 and 92, and of the Security Council.

(Signed) Juan Antonio YAÑEZ-BARNUEVO
Permanent Representative

Annex

[Original: English and French]

Declaration on the former Yugoslavia

The conflict in the former Yugoslavia remains the most difficult test for the transition from a divided Europe to a new Europe based on shared values of democracy, tolerance and respect for human rights. The European Council welcomes with the greatest of satisfaction, as a major step, the signing of the peace agreement for Bosnia and Herzegovina in Paris on 14 December 1995.

The establishment of peace in Bosnia and Herzegovina represents an extremely important step forward, not only for the peoples of the former Yugoslavia but also for the international community as a whole. The European Council pays homage to those who have helped to achieve that result through their efforts, their solidarity and their resolve. In this connection it welcomes the adoption by the United Nations Security Council of the resolution giving its support to the peace agreements signed in Paris and implementing their provisions in both civilian and military respects.

It is now for the parties to shoulder their responsibilities in fully implementing the agreement in order to bring an end to the war once and for all.

The European Council reaffirms the European Union's willingness to make a substantial contribution to the implementation of the peace agreement for Bosnia and Herzegovina on the basis of the positions stated in the Council conclusions of 30 October and 4 December 1995. The European Council endorses the conclusions of the London Conference and considers it necessary for the structures established to be set in place as soon as possible.

For the immediate future, the European Council sets the following priorities:

(a) It affirms the importance and the urgency of the successor States to the former Yugoslavia recognizing one another;

(b) It expresses its concern at the state of uncertainty currently affecting the Serb population of Sarajevo. It reminds the authorities of the Republic of Bosnia and Herzegovina of their responsibility to take the necessary steps so that Sarajevo as a whole can live in safety and restore multi-ethnic coexistence;

(c) It repeats that the European Union is ready to make a contribution to the implementation of the civilian aspects of the peace agreement. It appeals to the international community also to contribute to that effort as part of equitable burden-sharing;

(d) It reaffirms the European Union's willingness to continue its humanitarian effort in the former Yugoslavia as long as is necessary. It also reaffirms the right of refugees and displaced persons to return freely and

safely to their homes throughout the territory of the former Yugoslavia and to obtain fair compensation as a fundamental right;

(e) It points to the importance of an urgent solution to the problem in Eastern Slavonia for the entire peace process in the region. It accordingly calls on the parties to continue negotiations in accordance with the basic agreement for the region of Eastern Slavonia, Baranja and Western Sirmium. It asks the United Nations Security Council to ensure the full implementation of that agreement by adopting a feasible mandate based on the establishment of an effective provisional administration and the deployment of a credible international force equipped with sufficient resources.

While noting the historic importance of the successes achieved in recent weeks, the European Council is fully aware of the magnitude of the task still to be carried out. This is not the time to relax our efforts; on the contrary, it is necessary to show perseverance and courage. The European Council will continue to work in that spirit.